

Counts

By

Irrell

H.B. No. 491

A BILL TO BE ENTITLED

AN ACT

relating to the authorization of certain counties to hold a nonbinding referendum to be considered by the Texas Water Commission in granting a hazardous waste disposal permit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0666 to read as follows:

Sec. 361.0666. COUNTY REFERENDUM. (a) Not later than the 14th day after the date the commission receives a notice of intent to file an application for a hazardous waste disposal permit or an application for a permit for a hazardous waste disposal facility proposed to be located in a county with a population of 125,000 or less, the commission shall notify the commissioners court of that county of the date of the notice or application, the name of the applicant, and the proposed location of the facility. The commissioners court shall announce the contents of the notice during its next open meeting.

(b) The county judge of a county with a population of 125,000 or less shall order a nonbinding referendum to be held if the county judge receives a petition, signed by a number of registered voters of the county equal to at least 10 percent of the total vote received by all candidates in the preceding general election for state and county officers, that requests a referendum on the issue of whether the county residents are for or against the

1 approval of the proposed hazardous waste disposal permit. A county  
2 judge may not order the referendum if the petition is filed after  
3 the permit has been issued or after the 30th day after the date the  
4 permit hearings are concluded. The judge shall mail a copy of the  
5 order for the referendum to the commission.

6 (c) The commission may not issue a permit for a hazardous  
7 waste disposal facility in a county with a population of 125,000 or  
8 less until the commission receives notice of the results of a  
9 referendum if one has been ordered under this section or receives  
10 notice that the applicant has failed to post a bond to cover  
11 expenses of a referendum ordered under this section.

12 (d) The referendum shall be held on the first authorized  
13 uniform election date prescribed by Section 41.001, Election Code,  
14 that occurs at least 45 days after the petition is filed.

15 (e) The ballot in the referendum shall be printed to provide  
16 for voting for or against issuing a permit for a hazardous waste  
17 disposal facility at the specific location proposed in the permit  
18 application.

19 (f) The county judge shall forward the results of the  
20 referendum to the commission not later than the seventh day after  
21 the date of the referendum. The commission shall consider the  
22 results in making its determination whether to approve the  
23 application.

24 (g) An applicant for a hazardous waste disposal permit shall  
25 pay the county for the expenses of a referendum ordered in  
26 accordance with this section. The commissioners court shall notify  
27 the applicant of the amount of the expenses owed as soon as is

1 practicable and not later than the 30th day after the date of the  
2 referendum. The applicant shall pay or contract to pay the  
3 expenses on or before the 60th day after the date of the  
4 referendum.

5 (h) If a county judge orders a referendum under this  
6 section, the applicant must execute a bond on or before the 31st  
7 day before the scheduled date of the referendum that is:

8 (1) payable to and filed with the commissioners court  
9 of the county;

10 (2) executed with a corporate surety authorized to do  
11 business in this state;

12 (3) in an amount the commissioners court estimates is  
13 necessary to cover costs incurred by the county in holding the  
14 referendum; and

15 (4) conditioned that the persons executing the bond  
16 will pay, on or before the 60th day after the date of the  
17 referendum, all costs incurred by the county in holding the  
18 referendum.

19 (i) If an applicant for a hazardous waste disposal permit  
20 fails to post a bond in accordance with Subsection (h), the county  
21 judge shall:

22 (1) issue an order canceling the referendum; and

23 (2) notify the commission of the applicant's failure.

24 (j) If a referendum is canceled under Subsection (i), the  
25 applicant is liable to the county for the costs related to the  
26 conduct of the referendum that have accrued as of the date of  
27 cancellation.

1        (k) The failure of an applicant to execute a bond in  
2 accordance with Subsection (h) is a ground for the commission to  
3 deny the application.

4        SECTION 2. The changes in law made by this Act apply only to  
5 notices of intent to file an application for and applications for a  
6 permit for a hazardous waste disposal facility submitted to the  
7 Texas Water Commission on or after the effective date of this Act.

8        SECTION 3. This Act takes effect September 1, 1991.

9        SECTION 4. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.

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491

By

Janell

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relating to the authorization of certain counties to hold a nonbinding referendum to be considered by the Texas Water Commission in granting a hazardous waste disposal permit.

JAN 21 1991

1. Filed with the Chief Clerk.

FEB 5 1991

2. Read first time and Referred to Committee on

ENVIRONMENTAL AFFAIRS

3. Reported \_\_\_ favorably (as amended) and sent to Printer at \_\_\_  
(as substituted)

4. Printed and distributed at \_\_\_

5. Sent to Committee on Calendars at \_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_ yeas,  
\_\_\_ nays, and \_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_ yeas, \_\_\_ nays, and \_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_ yeas, \_\_\_  
nays, and \_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_ yeas, \_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_